IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 10794 of 2005

Between:

Gaddi Rajaiah S/o. Poshaiah
R/o. Nelki Venkatapur Vilage Dandepalli Mandal,

Adilabad District.

..... PETITIONER

AND

1 The District Collector, Adilabad, Adilabad District.
2 The Addl. Agent to the Government and Project Officer,

ITDA, Utnoor, Adilabad District.
3 The Special Deputy Collector (Tribal Welfare),

Utnoor, Adilabad District.
4 The Mandal Revenue Officer, Dandepalli Mandal,
Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly a writ in the nature of Mandamus declaring the action of the respondents in dispossession the petitioner from the land to an extent of Ac. 4.68 in Sy.no. 110/AA of Nelki Venkatapaur Village of Dandepalli Mandal, Adilabad District in pursuance of the order passed by the 3rd Respondent in TWA1/31/2004, dt. 29-12-2004 as illegal, arbitrary and unjust and consequently direct the respondents not to dispossess the petitioner from the above land pending disposal of the appeal preferred before the 2nd respondent in the interest of Justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.SURENDER REDDY

Counsel for the Respondent Nos.1, 2 and 4: GP FOR REVENUE

Counsel for the Respondent No.3: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following:

ORDER:

Declaring the action of the respondents in dispossession of the petitioner from the land to an extent of Ac.4.68 in Sy.No.110/AA of Nelki Venkatapur village of Dandepalli Mandal, Adilabad District in pursuance of the order passed by the 3rd respondent in TWA1/31/2004, dated 29.12.2004, as illegal and arbitrary, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Revenue and Social Welfare.

In the affidavit, it is stated by the petitioner that against the orders passed by the 3rd respondent, he preferred a statutory appeal to the 2nd respondent along with a stay petition on 28.02.2005, but no orders have been passed by the 2nd respondent. The petitioner cannot maintain two parallel proceedings for the very same relief.

Therefore, the Writ Petition is disposed of, directing the 2nd respondent to dispose of the statutory appeal filed by the petitioner on 28.02.2005, within a period of two months from the date of receipt of a copy of this order. Till then, status quo, existing as on today, shall be maintained. No costs.

Dated: 29.04.2005

Dsr

Note:

Issue CC by tomorrow

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The District Collector, Adilabad,

Adilabad District

2. The Addl.Agent to the Government and

Project Officer, ITDA, Utnoor,

Adilabad District

3. The Special Deputy Collector

(Tribal Welfare)

Utnoor, Adilabad District

4. The Mandal Revenue Officer,

Dandepalli Mandal, Adilabad District

5. Two CCs to the Government Pleaders for

Revenue and Social Welfare, High Court Buildings,

Hyderabad (OUT)

6. Two CD copies